

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA

Plaintiff,

CRIMINAL ACTION: 05-80050-16

v.

HONORABLE PAUL D. BORMAN

16-SHANNON JOHNSON,

Defendant(s).

_____/

AMENDED **TRIAL NOTICE/PLEA CUT-OFF**

A Pretrial Conference/Plea cut-off is scheduled for September 24, 2007 at 3:45 p.m.

Trial shall begin on October 2, 2007 at 9:00 a.m.

STANDING ORDER FOR DISCOVERY AND INSPECTION AND
FIXING MOTION CUT-OFF IN CRIMINAL CASES

This Order is entered in order to eliminate unnecessary discovery motions and expedite the presentation of evidence and the examination of witnesses.

1. **CONFERENCE AND DISCLOSURE**: Within ten (10) days from the date of arraignment, or such other date as may be set by the court, government and defense counsel shall meet and confer for the purpose of resolving or minimizing the issues in controversy. Upon the request of defense counsel, the government counsel shall:

(a) provide defense counsel with the information which has been described in Federal Rule of Criminal Procedure 16(a)(1),

(b) permit defense counsel to inspect, copy or photograph any exculpatory/impeachment evidence within the meaning of Brady v. Maryland, 373 U.S. 83 (1963), United States v. Agurs, 427 U.S. 97 (1976), and Giglio v. United States, 405 U.S. 150 (1972). A list of the items of evidence shall be signed by all counsel. Copies of those items, which have been disclosed, shall be initialed or otherwise marked. Nothing herein shall be construed as requiring the disclosure of Jencks Act material prior to the time that its disclosure is required by law.

2. **DISCLOSURE DECLINED**: If, in the judgment of government counsel, it would be detrimental to the interests of justice to make any of those disclosures set forth in paragraph 1, such disclosure may be declined; any such declination shall be confirmed in writing, with a copy provided

to the Court. Any defendant who seeks to challenge the declination shall move for relief forthwith.

3. CONTINUING DUTY: The duty of disclosure and discovery described in this order, is continuing.

4. DISCOVERY BY THE GOVERNMENT: This order is not designed to preclude discovery by the government under Rule 16(b) of the Federal Rules of Criminal Procedure.

5. EXHIBITS:

(a) Pre-Marking and Listing of Exhibits: Each party who intends to offer exhibits shall mark the exhibits with labels prior to commencement of trial. Each party shall thereafter prepare a typed list of the proposed exhibits for submission to the court three (3) business days prior to the commencement of trial. Exhibits should be designated by numbers or letters in a logical basis. The listing should reflect the proposed exhibit number or letter, and a brief description of the exhibit. The proposed exhibits must be examined by the opposite party at a reasonable time in advance of trial.

(b) Foundation for Exhibits: When defense counsel has inspected an exhibit which the government intends to introduce in evidence, the foundation for its receipt into evidence will be deemed established unless defense counsel files a notice with the court not less than three (3) business days prior to trial that the foundation for admission into evidence of the exhibit will be contested.

(c) Objections to Exhibits: This order shall not affect the right of a defendant to object to the introduction of an exhibit on a basis other than that of foundation.

6. CHAIN OF CUSTODY: When defense counsel has inspected a proposed government exhibit and/or reviewed government documents or records, the chain of custody will be deemed to be uncontested unless the defendant files a notice with the court that the chain will be contested not less than three (3) business days prior to trial.

7. SCIENTIFIC ANALYSIS: When a defendant has been made aware of the existence of the scientific analysis of an exhibit, the results of the analysis and the opinion of the scientist will be admitted into evidence unless the defendant files a notice with the court not less than five (5) business days prior to trial that the scientific analysis of the exhibit will be contested.

8. VOIR DIRE: The parties shall submit proposed voir dire questions in duplicate three (3) business days prior to the beginning of the trial.

9. JURY INSTRUCTIONS: The parties shall submit requested jury instructions in duplicate at the beginning of trial.

10. MOTION CUT-OFF DATE: All pretrial motions shall be filed within twenty (20) days from date of arraignment of the defendant.

s/Paul D. Borman
PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

Dated: September 19, 2007

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record by electronic means or U.S. Mail on September 19, 2007.

s/Denise Goodine
Case Manager